

AS

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 98-054-C - ORDER NO. 98-409

JUNE 3, 1998

✓ MR

IN RE:	Application of Comcast Telephony	)	ORDER
	Communications of South Carolina, Inc. for a	)	APPROVING
	Certificate of Public Convenience and	)	CERTIFICATE
	Necessity to Provide Competitive Local	)	
	Exchange, Private Line and Special Access	)	
	Services in those portions of the State of	)	
	South Carolina served by BellSouth	)	
	Telecommunications, Inc.	)	

This matter comes before the Public Service Commission of South Carolina ("the Commission") by way of the Application of Comcast Telephony Communications of South Carolina, Inc. ("Comcast" or "the Company") for a Certificate of Public Convenience and Necessity to provide competitive local exchange telecommunications services, private line, and special access services within those portions of the State of South Carolina served by BellSouth Telecommunications, Inc. The Application was filed pursuant to S.C. Code Ann. § 58-9-280 and the Regulations of the Commission.

By letter, the Commission's Executive Director instructed Comcast to publish, one time, a prepared Notice of Filing in newspapers of general circulation in the areas affected by the Application. The purpose of the Notice of Filing was to inform interested parties of the manner and time in which to file the appropriate pleadings for participation in the proceedings. Comcast complied with this instruction and provided the Commission with proof of publication of the Notice of Filing.

Petitions to Intervene were received from the South Carolina Telephone Coalition ("SCTC") and the Consumer Advocate for the State of South Carolina ("the Consumer Advocate"). Prior to the hearing, the Consumer Advocate notified the Commission that Comcast had agreed to amend its tariff to address the Consumer Advocate's concerns regarding certain provisions in the tariff. As a result of Comcast agreeing to amend its tariff, the Consumer Advocate notified the Commission that it would not participate in the hearing on Comcast's Application.

A hearing was commenced on May 14, 1998, at 2:30 p.m., in the Commission's Hearing Room. The Honorable Guy Butler, Chairman, presided. Comcast was represented by Robert D. Coble, Esquire. Florence P. Belser, Staff Counsel, represented the Commission Staff. The SCTC did not appear at the hearing.

John G. Sullivan, Director of Regulatory Affairs for Comcast, appeared and offered testimony in support of Comcast's application. The purpose of Sullivan's testimony was to (1) describe Comcast's Application; (2) describe the corporate structure of Comcast; (3) demonstrate that Comcast is technically, managerially, and financially qualified to provide CAP and CLEC services in its proposed service territory; and (4) demonstrate that granting a certificate of public convenience and necessity to Comcast is in the public interest.

### **DISCUSSION**

S.C. Code Ann. § 58-9-280 (Supp. 1997) provides that the Commission may grant a certificate to operate as a telephone utility...to applicants proposing to furnish local telephone service in the service territory of an incumbent LEC.

After full consideration of the applicable law, Comcast's application, and evidence submitted by Comcast, the Commission finds and concludes that the Certificate sought by Comcast should be granted. The Commission's determination is based on the following criteria as provided in S.C. Code Ann. § 58-9-280 (Supp. 1997) and the evidence submitted in support of the motion which relates to that criteria. The Commission finds that Comcast possesses the technical, financial, and managerial resources sufficient to provide the services requested. S.C. Code Ann. § 58-9-280(B)(1) (Supp. 1997). Mr. Sullivan stated that Comcast is well positioned financially to provide the telecommunications activities for which it seeks authority. The record reveals that Comcast is a South Carolina corporation and is a wholly owned subsidiary of Comcast Telephony Communications Holdings, Inc., a Delaware corporation. Comcast Telephony Communications Holdings, Inc. is a wholly owned subsidiary of Comcast Cable Communications, Inc., a Delaware corporation, which in turn is a wholly owned subsidiary of Comcast Corporation. Comcast Corporation is a Pennsylvania corporation which is publicly traded on the NASDAQ and for the year ended December 31, 1997, Comcast Corporation reported consolidated revenues of \$4.913 billion.

Mr. Sullivan stated that Comcast will draw upon the technical and managerial strengths of Comcast Corporation in providing intrastate telecommunications services in South Carolina. According to Mr. Sullivan, Comcast Corporation, as a national company engaged in a range of telecommunications activities, has acquired the wide-ranging technical and managerial experience and the expertise necessary to implement state-of-the-art and high-quality products and services. Mr. Sullivan offered that Comcast, as a

subsidiary of Comcast Corporation, will be able to draw upon its parents technical and managerial expertise. Based on the undisputed testimony of Sullivan, the Commission finds that Comcast possess the technical, financial, and managerial resources sufficient to provide the services requested.

2. The Commission finds that Comcast will provide services which will meet the service standards of the Commission. S.C. Code Ann. § 58-9-280(B) (Supp. 1997). Mr. Sullivan indicated that Comcast will offer services which comply with the Commission's service standards and also stated that Comcast will comply with all applicable rules, policies and statutes applicable to the offering of those services. Based on the undisputed testimony Mr. Sullivan, the Commission believes, and so finds, that Comcast will provide telecommunications services that will meet the service standards of the Commission.

3. The Commission finds that Comcast's "provision of service will not adversely impact the availability of affordable local exchange service." S.C. Code Ann. § 58-9-280(B)(3) (Supp. 1997). Mr. Sullivan's testimony reveals that Comcast believes that approval of its Application will facilitate the benefits that come from competition such as customer choice of providers, more efficient and varied telecommunications infrastructure, innovative product offerings, robust and reliant telecommunications networks, higher service quality, and competitive prices. Therefore, based on the undisputed evidence of record, the Commission finds that provision of local exchange services by Comcast will not adversely impact affordable local exchange service.

4. The Commission finds that Comcast will support universally available telephone service at affordable rates. S.C. Code Ann. § 58-9-280(B)(4) (Supp. 1997). Mr.

Sullivan stated that Comcast would comply with the Commission's universal service requirements and will contribute to universal service mechanisms on the State and Federal levels. Based on the undisputed evidence of record, the Commission finds that Comcast will participate in support of universally available telephone service at affordable rates.

5. The Commission finds that the provision of local exchange service by Comcast "does not otherwise adversely impact the public interest." S.C. Code Ann. § 58-9-280(B)(5) Supp. 1997). Mr. Sullivan stated that approval of Comcast's Application would not adversely affect the public interest but would foster the benefits of competition, including providing its service territory with a greater degree of facilities-based competition. Therefore, based on the undisputed evidence of record, the Commission finds that approval of Comcast's Application to provide local exchange service "does not otherwise adversely impact the public interest." S.C. Code Ann. § 58-9-280(B)(5) (Supp. 1997).

Therefore, based on the findings above, the Commission finds and concludes that a Certificate of Public Convenience and Necessity should be granted to Comcast.

IT IS THEREFORE ORDERED THAT:

1. The Application of Comcast for a Certificate of Public Convenience and Necessity to provide competitive local exchange telecommunications services, private line, and special access services within those portions of the State of South Carolina served by BellSouth Telecommunications is approved. Comcast is hereby authorized to provide competitive local exchange services in the areas in South Carolina served by BellSouth Telecommunications, Inc.

2. Comcast shall file, prior to offering local exchange service in South Carolina, a final tariff of its service offerings conforming to all matters discussed with the Staff and the Consumer Advocate and comporting with South Carolina law in all matters.

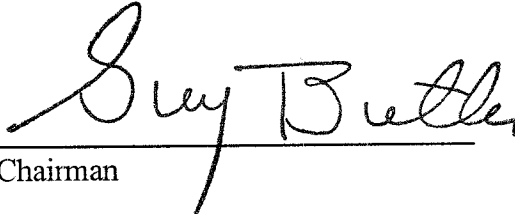
3. Comcast shall, in compliance with Commission regulations, designate and maintain an authorized utility representative who is prepared to discuss, on a regulatory level, customer relation (complaint) matters, engineering operations, and tests and repairs. In addition, Comcast shall provide to the Commission in writing the name of the authorized representative to be contacted in connection with general management duties as well as emergencies which occur during non-office hours. Comcast shall file with the Commission the names, addresses, and telephone numbers of those representatives within thirty (30) days of receipt of this Order. (Attachment A shall be utilized for the provision of this information to the Commission.) Further, Comcast shall promptly notify the Commission in writing if the representatives are replaced.

4. Comcast is directed to comply with all Commission regulations unless expressly waived by the Commission.

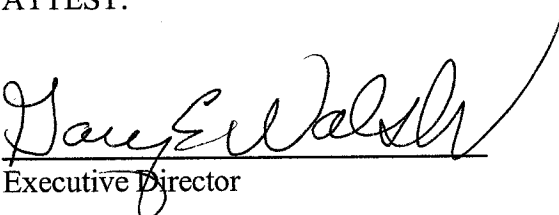
5. Comcast shall conduct its business in compliance with Commission decisions and Orders, both past and future, including but not limited to, any and all Commission decisions which may be rendered in Docket No. 96-018-C regarding local competition.

6. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Deputy Executive Director  
(SEAL)

DOCKET NO. 98-054-C - ORDER NO. 98-409  
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ATTACHMENT A

**INFORMATION OF THE AUTHORIZED UTILITY  
REPRESENTATIVES FOR INTEREXCHANGE, LOCAL  
AND AOS COMPANIES**

PURSUANT TO SOUTH CAROLINA PUBLIC SERVICE COMMISSION  
REGULATION 103-612.2.4(b), each utility shall file and maintain with the Commission  
the name, title, address, and telephone number of the persons who should be contacted in  
connection with Customer Relations/Complaints.

\_\_\_\_\_  
Company Name/DBA Name

\_\_\_\_\_  
Business Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Authorized Utility Representative (Please Print or Type)

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
E-Mail Address

\_\_\_\_\_  
This form was completed by      Signature

If you have any questions, contact the Consumer Services Department at 803-737-5230